



**SURREY
POLICE**
*With you, making
Surrey safer*

Emily Commander
Clerk of the Culture, Media and Sport
Committee
Committee Office
House of Commons
7 Millbank
London
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T/Deputy Chief Constable
Jerry Kirkby

17th January 2012

Dear Mr Whittingdale

Thank you for your letter dated 20th December 2011. Further to my previous correspondence, please accept this letter as Surrey Police's substantive response. The redactions to the text below have been made at the request of the MPS.

Question 1

In answer to your Question 1, I have set out below an overview based on that which Surrey Police submitted to the Leveson Inquiry on 17 January 2012. Although this response ranges more broadly than may be strictly necessary to answer Question 1, in my view I can best assist the Committee by placing the relevant events into some context and presenting them chronologically. This response has been disclosed to the MPS who have made redactions (which appear as blacked out text) to avoid any prejudice to Operation Weeting's investigations. Redactions that appear as [REDACTION] have been made by Surrey Police to protect the details of third parties.

The following four points should be noted:

- (i) The chronology below is based on Surrey Police documents from 2002 which have been submitted by Surrey Police to the Leveson Inquiry.

[REDACTED]

- (ii) This is a summary of Surrey Police's **present** understanding. It must be emphasised that Surrey Police's internal investigation into its response to information that Milly Dowler's mobile phone voicemail had been accessed by the *News of the World* in 2002 is not yet complete.
- (iii) This document does not purport to contain an entire account of Surrey Police's actions during the investigation into Milly Dowler's disappearance, kidnap and murder, nor of Surrey Police's contact with the media or sections of the media during the currency of that investigation.
- (iv) An analysis of Surrey Police's response to the information it received from the *News of the World* in April 2002 is not rehearsed here. It will be addressed in a statement from a senior Surrey Police officer to the Leveson Inquiry, where Surrey Police will be publically accountable.

Background

1. As relevant background, it is important to note that in any police missing person investigation the use of the media is an essential tool to generate hopefully helpful publicity about the missing person. The aim is "jog memories" that may result in fruitful investigative leads. In many cases, considerable effort is required on the part of the police to interest the media in a missing person story, though this was not Surrey Police's experience in relation to the disappearance of Milly Dowler. The media's interest was significant almost from the outset.
2. The constant demand for information about the police investigation by the media meant that police officers and police press officers had to maintain frequent contact with journalists and their editors to ensure the message that the media was projecting to the public was accurate, thereby maximising the potential for assistance from the public.
3. On 21 March 2002 at 19:12 hours Milly Dowler was reported missing to Surrey Police by her parents. Surrey Police immediately commenced an investigation into her disappearance, "Operation Ruby". For the reasons stated above, there was regular contact between Surrey Police and the media, including the *News of*

the World ["NOTW"]. However, it was not until 13 April 2002 that there was any mention by the *NOTW* (or any other media organisation) of Milly Dowler's voicemail or its contents.

4. The following chronology is based on other contemporaneous police records and a log of contact with the media kept by the Surrey Police press officer.

26 March 2002

5. On 26 March 2002 Surrey Police performed a download of the voicemail messages on Milly's mobile phone pursuant to a Production Order obtained from Guildford Crown Court under the Police and Criminal Evidence Act 1984. Only one message was downloaded (Surrey Police, the MPS and Milly Dowler's mobile phone provider have submitted a note to the Leveson Inquiry dealing with this in detail ["the Joint Note"]).

1157 on 13 April 2002

6. At 11.57 on 13 April 2002 West Mercia Police contacted Surrey Police to advise them that a recruitment agency in [REDACTED] had received 2 telephone calls on 12 April 2002 from a woman claiming to be Amanda Dowler's mother asking whether Milly was working for them. The member of staff at the recruitment agency had given no information to the caller. Members of staff had arrived at work on 13 April 2002 *"to find hordes of reporters from the News of the World waiting for their arrival as they had been given the same info"*. West Mercia Police said that they would provide further details to Surrey Police.

1210 on 13 April 2002

7. At 1210 on 13 April 2002 [REDACTED], the co-owner of [REDACTED] recruitment agency contacted Surrey Police by telephone, stating *"We have had a News of the World reporter, [REDACTED], harassing us today. He says that our agency has recruited Milly as an employee, demanding to know what we know and saying he is working in full cooperation with the police. Why in (sic) he*

here". [It should be noted that the NOTW reporter's assertion that he was working with the police was untrue].

1215 on 13 April 2002

8. At 1215 on 13 April 2002 the Major Incident Room at Surrey Police informed the Surrey Police press officer that [REDACTED] of the NOTW was hassling [REDACTED] recruitment agency. The press officer spoke to [REDACTED] at the NOTW, who stated that he was not aware of any developments on Surrey Police's investigation in the area of the UK where the recruitment agency was located.

1511 on 13 April 2002

9. At 1511 on 13 April 2002 [REDACTED] at the NOTW) called the Surrey police Major Incident Room and asked to be put in touch with a senior police officer. [REDACTED] said that he had what could be significant information and left his contact details. [REDACTED] declined to speak to a press officer.

1640 on 13 April 2002

10. At 1640 on 13 April 2002 [REDACTED] called the Surrey Police press officer stating that [REDACTED] wanted to speak to a senior police officer working on the Milly Dowler case.
11. This information was passed on to a police officer who tried to call [REDACTED] but was unable to reach him as his phone was constantly engaged.

1720 on 13 April 2002

12. At 1720 on 13 April 2002 the police officer was able to reach [REDACTED] [REDACTED] said that he had information which may assist the inquiry into the disappearance of Milly Dowler. [REDACTED] said that an apparent approach for work had been made to a recruitment agency [NAME AND LOCATION REDACTED] by a woman purporting to be Milly Dowler on 27 March 2002. A

woman named [REDACTED] from the recruitment agency had telephoned the mobile phone number of Milly Dowler [and left a voicemail message] with an offer of work for a company named [REDACTED] and invited Milly Dowler for an interview.

13. [REDACTED] said that the *NOTW* was in possession of a recording of the voicemail message.
14. The police officer asked [REDACTED] for the number of the mobile phone upon which the messages were recorded, which [REDACTED] gave as [REDACTED]. The police officer did not confirm that the number was Milly Dowler's [which it was] but asked [REDACTED] to verify why he believed that it was Milly's mobile phone number.
15. [REDACTED] said that the *NOTW* had confirmed with Milly's school friends that this was her mobile phone number.
16. The police officer consulted the press officer and then told [REDACTED] that the investigation into Milly Dowler's disappearance had been dogged by a professional hoaxer purporting to be Milly who was very capable of carrying out this type of deception. [REDACTED] said that he would check the information and call back.
17. Surrey Police took immediate steps to contact the recruitment agency to confirm the information given by the *NOTW*, but those attempts were unsuccessful.
18. [It should be noted that on 13 April 2002 Surrey Police suspected that the message left on Milly's voicemail from the recruitment agency had been left as the result of a hoaxer signing on at the agency in Milly's name. A known hoaxer had been impersonating Milly Dowler at that time (for instance on 26 March

2002; 28 March 2002; and 13 April 2002. See also. That hoaxer was arrested on 23 April 2002; charged; and, on 1 April 2003, imprisoned for 5 months].

Later on 13 April 2002

19. Later on 13 April 2002 the same police officer received a call from [REDACTED] of the NOTW. He said that the NOTW was confident of its sources and was intending to print the information it had relayed to Surrey Police as a news story.
- [REDACTED]
- [REDACTED]

21. [REDACTED] recounted that at 1013 on 27 March 2002 the following message was recorded on Milly Dowler's voicemail: *"Hello Mandy. This is [REDACTED] from [REDACTED] Recruitment Agency. We are ringing because we are starting interviewing today at [REDACTED]. Call back on [REDACTED]. Thanks, bye bye"*.
22. [REDACTED] disclosed that an undercover reporter purporting to be a friend of Milly Dowler had spoken to [REDACTED] of the recruitment agency. [REDACTED] said that the recruitment agency had confirmed that "Amanda Dowler" was registered with the agency, but the agency declined to confirm whether she had received any offer of employment. [Note that there is no evidence that the recruitment agency had confirmed that "Amanda Dowler" was on the agency's books, the contrary is the case].
23. [REDACTED] said that he had subsequently spoken to [REDACTED] at the recruitment agency who said that they had not received any enquiry from Surrey Police. [REDACTED] asked the police officer to confirm that Surrey Police would investigate the new line of enquiry identified by the NOTW which he said had met *"the reasonable burden of proof"* (sic) to publish the story.

24. [REDACTED] said that there were other voicemail messages from (i) a tearful relative; (ii) a young boy; and (iii) someone saying *"It's America, take it or leave it"*.
25. The police officer re-iterated to [REDACTED] his view that the *NOTW* was being subjected to a hoax. He agreed to provide the *NOTW* with an official response from Surrey Police within the hour.

Later on 13 April 2002

26. Later on 13 April 2002 the press officer spoke to [REDACTED] and asked him why he was so convinced that the message on Milly's voicemail was not the work of a hoaxer. [REDACTED] response was that the *NOTW* had got Milly's mobile phone number and PIN from school children.
27. [REDACTED] said that the *NOTW* was in possession of taped messages from Milly's mobile phone. [REDACTED] stated that a message left on 27 March 2002 at 10.13am stated *"Hello Mandy. This is [REDACTED] from [REDACTED] Recruitment Agency. We are ringing because we have interviews starting today at [REDACTED]. Call back on [REDACTED]. Thanks, bye bye"*.
28. [REDACTED] stated that he had spoken to the member of staff from the recruitment agency on 12 April 2002 who had confirmed that "Mandy D" had registered with the agency but could not confirm whether Mandy D had got a job because that would contravene data protection. [REDACTED] said that the *NOTW* had 5 reporters working on this story.

1930 on 13 April 2002

29. At 19.30 on 13 April 2002 the Surrey Police press officer spoke again to [REDACTED] who said that the *NOTW* had 2 versions of the story [for the 14 April 2002 edition of the *NOTW*] ready to go. One story was that the police were

treating the recruitment agency voicemail message on Milly's phone as a hoax, the other that the police were treating it as a new line of enquiry. The press officer said that she would need to get back to [REDACTED] with Surrey Police's response.

2010 on 13 April 2002

30. At 20.10 on 13 April 2002, [REDACTED] called the Surrey Police press officer again and said that the NOTW was going to run a story ascribing the following line to Surrey Police *"we are intrigued, but believe the message may have been left by a deranged woman hoaxer thought to have hampered other police inquiries"*.
31. The press officer stated that this wording was too strong to use and asked for a couple of minutes to get back to [REDACTED] with an alternative. [REDACTED] responded that it was too late as the first edition had already gone to print. The press officer told [REDACTED] that she would get back to him immediately with Surrey Police's official line.

Later on 13 April 2002

32. After agreeing it with a police officer, the press officer called [REDACTED] back and gave him Surrey Police's official line: *"We are evaluating the claim that Amanda may have registered with a recruitment agency. At this stage there is the possibility that a hoaxer may be involved in generating this story"*.
33. [REDACTED] stated that this line would be used in all 5 editions of the NOTW on 14 April 2002 save for the first edition (circulated in the north of the UK) which would carry the line that he had informed the press officer of at 2010.
34. The press officer advised [REDACTED] and [REDACTED] that in future the NOTW should speak to a Surrey Police press officer and not a police officer. In the initial contact on 13 April 2002 with the Surrey Police, [REDACTED] had been insistent

on speaking to a senior police officer. The press officer said that where the Surrey Police press office could, it would offer off-the-record guidance.

14 April 2002

35. On 14 April 2002, a Surrey Police officer faxed West Mercia Police and asked them to call on the recruitment agency and show them a picture of Milly to establish the true identity of the girl giving the details of Milly Dowler. The officer also made attempts to contact a member of staff at the recruitment agency but was only able to reach an answerphone.
36. Surrey Police's on-going internal investigation has discovered no evidence to suggest that Surrey Police made any contact with the *NOTW* on 14 April 2002 in relation to the contents of 14 April 2002 edition of the *NOTW*.

1100 on 14 April 2002

37. At 1100 on 14 April 2002 the SIO of Operation Ruby approved the following line to be used if questions were asked by the media: *"We are evaluating a claim by the News of the World that Amanda may have registered with a recruitment agency. At this stage there is a possibility that a hoaxer may be involved in generating the story"*.
38. The following off-the-record guidance to be given to the media was also approved by the SIO *"At this stage we are confident that this woman attending the recruitment agency is the hoaxer and not Milly. This woman is older than Milly and hence would be able to register at a recruitment agency (would question how a 13 year old would be able to register for a job)."*

1630 on 15 April 2002

39. At 16.30 on 15 April 2002 West Mercia Police contacted Surrey Police with the result of investigations they had undertaken on Surrey Police's behalf with the recruitment agency. The member of staff at the agency stated that they had

nobody called Amanda Dowler (or anyone with the name of the hoaxer) on their books. The member of staff at the recruitment agency said that she had never interviewed a girl called Amanda Dowler for employment at the agency, nor, to her knowledge, had she ever spoken to a reporter from the *NOTW*.

17 April 2002

40. On 17 April 2002 Surrey Police performed a second download of the voicemail messages on Milly's mobile phone pursuant to a further Production Order obtained from Guildford Crown Court under the Police and Criminal Evidence Act 1984 (see the Joint Note). One of the number of messages that Surrey Police downloaded was a message left at 1013 on 27 March 2002 by the recruitment agency for 'Nana' ie. the message that [REDACTED] had played to the police officer and the press officer over the telephone on 13 April 2002.

18 April 2002

41. The next documented conversation between Surrey Police and anyone at the *NOTW* touching on subject of information obtained through accessing Milly's voicemail was on 18 April 2002. The press officer was speaking to [REDACTED] about another matter in relation to the Milly Dowler investigation and stated that she would get back to him to clarify the situation with regards to the "hoax woman". [REDACTED] said that he was convinced that Milly had run away to the North of England and was seeking a job there.

19 April 2002

42. On 19 April 2002 a Surrey Police officer listened to a police recording of the message downloaded from Milly's voicemail which had been left by the recruitment agency on 27 March 2002. The police officer formed the view that the name of the person for who the message was being left sounded like "Nana" [rather than "Mandy"]. The officer telephoned a member of staff at the recruitment agency who explained that at the present time they had a lot of ladies from Ghana on their books and "Nana" was a popular Ghanaian name.

43. Later on 19 April 2002 the member of staff at the recruitment agency called the police officer and told her that there was a Ghanaian lady named Nana who had been registered with the agency approximately 12 months previously. On 26 March 2002 Nana had contacted the agency to advise them of her new mobile phone number. The phone number that was recorded in the agency's file was [REDACTED], which was Milly's phone number. There was an entry on Nana's file stating that the agency had contacted her on 27 March 2002 and left a message on her mobile phone voicemail regarding interviews at [REDACTED]. The member of staff at the recruitment agency did not know whether the mobile phone number was written down incorrectly by the agency or whether the wrong number was supplied by Nana'.
44. Contrary to Surrey Police's initial suspicion, the message left on Milly's mobile phone voicemail on 27 March 2002 by the recruitment agency was not the work of a hoaxer but a pure co-incidence. It was in any event of no evidential value in the investigation into Milly's disappearance.

0946 on 20 April 2002

45. The next documented contact between Surrey Police or anyone at the NOTW on the subject of information obtained through accessing Milly's voicemail was on 20 April 2002.
46. At 0946 on 20 April 2002, [REDACTED] sent an email to the Surrey Police press officer. [REDACTED] stated *inter alia* as follows: "As you are aware, last Saturday evening (13 April) the News of the World contacted the Dowler Squad with information we had received. In the course of a conversation with [a police officer] we passed on information about messages left on Amanda Dowler's mobile phone [REDACTED]. In particular, we referred to a message from [REDACTED] Recruitment Agency at [REDACTED] apparently left on Amanda's phone on the morning of March 27. In addition, we advised of other messages left on this number and we offered a copy of a tape recording of messages and

other assistance. In response, we were advised by [the police officer] that the messages could (a) not have been left on Amanda's mobile phone and (b) that the 'chances were extremely high' that any such messages were the work of a professional hoaxer, well known to the police. As a consequence, we took immediate steps to radically and substantially amended the article that had been prepared for publication." [REDACTED] went on to ask for clarification and further information about a number of matters as "a matter of urgency".

Later on 20 April 2002

47. The Surrey Police press officer prepared a 'script' for a conversation with the NOTW in response to [REDACTED] email. That script was sent to a police officer who approved it.

1515 on 20 April 2002

48. At 1515 on 20 April 2002 the Surrey Police press officer spoke to [REDACTED] about the "hoaxer" and provided him with Surrey Police's official line about the "hoaxer" which was: "Surrey Police, Crimewatch, Missing Persons Helpline and other police forces have received calls for a hoaxer pretending to be Amanda. These calls are not helpful to the investigation of missing schoolgirl Amanda Dowler. We are liaising with other police forces to consider what action to take."
49. The Surrey Police press officer also gave [REDACTED] the following guidance in relation to the message on Milly's voicemail by the recruitment agency: "When we were alerted to the story last week – at that time we believed the hoaxer was involved. Since then the recruitment agency has thoroughly checked all their records of people who have enrolled with the same or similar telephone numbers to that of Amanda's mobile number. A female with a similar name to Amanda is on the books of the agency. The recruitment agency contacted this woman regarding a job at [REDACTED]. We believe either the agency incorrectly wrote down the mobile phone number of Amanda's or the woman seeking employment accidentally gave her mobile number as that of Amanda's. We have listened to a recording of message and it does not actually say 'Mandy'. We do not believe

that the hoax woman was involved in this incident. No one has enrolled with the agency using the name Amanda Dowler."

50. [REDACTED] played the Surrey Police press officer a recording of the message left by the recruitment agency on Milly's voicemail. The press officer stated that the name of the person seeking employment was "Nana". The press officer said that there were a number of women on the recruitment agency's books from Ghana and that the call from the recruitment agency was intended for one of them.
51. [REDACTED] responded by saying that what the Surrey Police press officer was telling him was not true and was inconceivable. [REDACTED] said that there were other messages on Milly Dowler's phone (eg. a message stating: *"it is America, take it or leave it"*). [REDACTED] said that the NOTW was moving its investigation to the North of England, that Milly have been there in person and that she had applied for a job in a factory. [REDACTED] said that the NOTW *"know this 110%. We are absolutely certain"*. [REDACTED] said that the NOTW was not going to run this as a story.
52. Surrey Police believes that that the Surrey Police press officer emailed the NOTW on 20 April 2002 sometime between 14.00 and 18.30. That email contained the first paragraph (only) of the document quoted at paragraph 37 above. Surrey Police's on-going internal investigation has not discovered a copy of this email. News International might be able to supply a copy to the Inquiry.

16 July 2002

53. The next contact between Surrey Police and anyone at the NOTW potentially touching on the subject of information obtained through accessing Milly's voicemail was at 0930 16 July 2002. A meeting took place between the Surrey Police press officer, a senior police officer and [REDACTED] and [REDACTED] of the NOTW at Surrey Police Headquarters. Surrey Police's on-going internal investigation is still trying to establish what was discussed at this

meeting. It is not known whether information obtained from accessing Milly's voicemail was discussed. It is likely that the meeting was convened because the NOTW had not been present at an 'off-the-record' briefing given to members of the Crime Reporters' Association, of which the NOTW was not a member.

54. Surrey Police's on-going internal investigation has, to date, discovered no documentation of communication between officers or members of staff in Surrey Police and employees of the NOTW on the subject of information obtained through accessing Milly's voicemail beyond 16 July 2002.

Date on which NOTW first accessed Milly's voicemail

55. The only information in Surrey Police's possession that could assist in establishing when the NOTW first accessed the message left on Milly Dowler's voicemail on 27 March 2002 before reporting its contents to Surrey Police on 13 April 2002 is:
 - a. [REDACTED] disclosure to the Surrey Police press officer that he had spoken to a member of staff from the recruitment agency on 12 April 2002;
 - b. The report by the recruitment agency of telephone calls on 12 April 2002 from a woman claiming to be Milly Dowler's mother.
56. When and the extent to which Milly's mobile phone voicemail was unlawfully accessed (and whether any messages were deleted) are matters which form part of the MPS' on-going investigation.

Postscript

57. Surrey Police's intense investigation into Milly Dowler's disappearance continued. On 18 September 2002 a body was found, which was identified on 21 September 2002 as the body of Milly Dowler. Operation Ruby then became a murder investigation.

58. Surrey Police did not arrest or charge anyone in relation accessing Milly Dowler's voicemail.
59. On 23 June 2011 Levi Bellfield was found guilty of Milly Dowler's murder. He was sentenced to life imprisonment the following day.

Question 2

60. The MPS has asked that Surrey Police does not answer Question 2, because to do so might prejudice Operation Weeting's investigations.

Evidence given to the Culture, Media and Sport Committee by Tom Crone on 6th September 2011

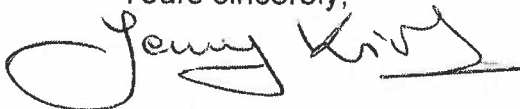
61. On 6 September 2011, the Culture, Media and Sport Committee heard evidence from Tom Crone (transcript pp.65-67). Mr Crone said that he had no recollection of being involved in events at the *NOTW* in relation to the Milly Dowler story on 13 / 14 April 2002. He speculated, however:
- (i) that the police may have obtained the message from the recruitment agency by accessing Milly Dowler's voicemail and then provided the contents of the message to the *NOTW*; and
 - (ii) that after seeing or becoming aware of the story in the first edition of the *NOTW* on 14 April 2002, Surrey Police may have contacted the *NOTW* to say that the story **was** not what they had intended and that it must be removed from subsequent editions.
62. Neither of Mr Crone's speculations are correct.
63. As to point (i), the information about the contents of Milly Dowler's voicemail and the message from the recruitment agency left on 27 March 2002 was not

provided to the *NOTW* by Surrey Police. The *NOTW* obtained that information by accessing Milly Dowler's voicemail. The message from the recruitment agency was left after Surrey Police had last accessed Milly Dowler's voicemail (for investigative purposes and pursuant to a court order) on 26 March 2002. Surrey Police was not aware of the message from the recruitment agency until the *NOTW* revealed their knowledge of its contents on 13 April 2002. The only information provided by Surrey Police to the *NOTW* prior to the *NOTW* going to press on 14 April 2002 was that the message from the recruitment agency was likely to be the work of a hoaxer.

64. As to point (ii), the actual course of events, as set out above, is that [REDACTED] of the *NOTW* called Surrey Police at 2010 hours on 13 April 2002 with a line that the *NOTW* intended to impute to Surrey Police in its 14 April 2002 edition which had already gone to print (before asking Surrey Police's permission). The Surrey Police press officer responded with an official Surrey Police line which [REDACTED] said that the *NOTW* would run in its five subsequent 14 April 2002 editions.
65. The only input Surrey Police had in relation to any of the 14 April 2002 *NOTW* editions was to provide an official line from Surrey Police. Surrey Police's internal investigation has found no evidence to suggest that Surrey Police was shown the content of the story to be run on 14 April 2002 by the *NOTW*. The evidence suggests that [REDACTED] simply provided the quote to be imputed to Surrey Police over the telephone at 2010 hours on 13 April 2002. Any other changes that were made by the *NOTW* to the content of the story were not made at the request of Surrey Police.

In conclusion, I wish to reassert that my internal investigation is not yet complete. Should you wish to discuss any of the content of this letter further please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Kirkby', with a stylized flourish at the end.

Jerry Kirkby
T/Deputy Chief Constable